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FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR: 7091
COMPLAINT FILED: June 22, 2016
DATE OF NOTIFICATION: July 1, 2016
LAST RESPONSE: August 19, 2016
DATE ACTIVATED: October 20, 2016

ELECTION CYCLES: 2010 and 2012
Earliest SOL: March 18, 2015
Latest SOL: November 14, 2016

COMPLAINANT:

Senate Leadership Fund

RESPONDENTS:

Patrick Murphy
Friends of Patrick Murphy and Brian Foucart in his
official capacity as treasurer
Charlie Crist
Charlie Crist for U.S. Senate and Frederick Carroll
in his official capacity as treasurer
Ibrahim Al-Rashid
Ramzi Al-Rashid
Morgan Budman
Steven Budman
Ellen Budman
Evan Orchinik
Aileen Orchinik
Millerlandy Badillo
Gene Earley
Barbara Earley
Bonnie Butler
Bruce Butler

**RELEVANT STATUTES
AND REGULATIONS:**

28 U.S.C. § 2462
52 U.S.C. § 30104(b)
52 U.S.C. § 30116(a)
52 U.S.C. § 30116(f)
52 U.S.C. § 30122
11 C.F.R. § 110.4(b)

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

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I. INTRODUCTION

The Complaint alleges that during the 2010 and 2012 election cycles, Ibrahim Al-Rashid, a "wealthy, close ally" of congressional candidate Patrick Murphy, made contributions in the name of another to Murphy and his campaign committee, Friends of Patrick Murphy ("Murphy Committee"), and to Senate candidate Charlie Crist and his campaign committee, Charlie Crist for U.S. Senate ("Crist Committee"), in violation of the Federal Election Campaign Act of 1971, as amended (the "Act").¹ For the reasons set forth below, we recommend that the Commission find no reason to believe that the Respondents violated the Act and close the file.

II. FACTUAL AND LEGAL ANALYSIS

A. Facts

The Complaint alleges that Ibrahim Al-Rashid used his wife, members of his wife's family, his housekeeper, and employees (and spouses) of a company managed by his half-brother as conduits to contribute a total of \$29,100 to the Crist Committee between March 18, 2010, and September 13, 2010, and \$24,350 to the Murphy Committee between March 7, 2011, and

¹ Compl. at 1, 4.

1 November 14, 2011.² According to the Complainant, the eleven alleged conduits' contributions
2 are "highly suspicious" because they have no contribution history that precedes their "out-of-
3 state contributions" to the Crist and Murphy Committees; the contributions were all made on
4 overlapping or closely-clustered dates; and the only apparent connection between the donors is
5 Ibrahim Al-Rashid.³

6 Respondents asserted that the Complaint must be dismissed because, at the time the
7 responses were filed, the applicable statute of limitations for the subject contributions either had
8 expired or was about to expire.⁴ The Respondents also deny the allegations, asserting that the
9 Complaint presents no evidence that they participated in a scheme involving the reimbursement
10 of contributions.⁵ According to the Respondents, the donors at issue contributed to the Crist and
11 Murphy campaigns directly, individually, and in amounts that did not exceed the contribution
12 limits for 2010 and 2011.⁶ The Respondents also assert that there is nothing unusual or

² *Id.* at 2-4. The conduit respondents include: Morgan Budman (Ibrahim Al-Rashid's wife) and members of Budman's family (Steven Budman, Ellen Budman, Evan Orchinik, and Aileen Orchinik); Millerlandy Badillo (Ibrahim Al-Rashid's housekeeper); and subordinates of Ramzi Al-Rashid (Ibrahim Al-Rashid's half-brother) at a property management company and their spouses (Gene Earley, Bruce Butler, Barbara Earley, and Bonnie Butler). *Id.* at 1. The Complaint lists Ramzi Al-Rashid, who contributed a total of \$4,800 to the Crist Committee during 2010, as a respondent but does not identify him as a conduit in the scheme or otherwise specify how or when he allegedly violated the Act or Commission regulations. *Id.* at 1, 4.

³ *Id.* at 1.

⁴ Ibrahim Al-Rashid Resp. at 3; Representative Patrick Murphy and Friends of Patrick Murphy Resp. at 1 ("Joint Murphy Resp."); Crist Committee Resp. at 1.

⁵ Ibrahim Al-Rashid Resp. at 1; Joint Murphy Resp. at 2-3; Morgan Budman, Steven Budman, Ellen Budman, Evan Orchinik, Aileen Orchinik Resp. at 1 ("Joint Budman and Orchinik Resp."); Crist Committee Resp. at 2.

⁶ Joint Budman and Orchinik Resp. at 2; Crist Committee Resp. at 3, Ex. A. The Crist Committee's response, at Exhibit A, includes copies of the contribution checks received from the alleged straw donors.

1 suspicious about family members or individuals who are employed by the same company and
2 their spouses contributing to the same candidate around the same time.⁷

3 **B. Legal Analysis**

4 The statute of limitations ("SOL") for commencing any action, suit, or proceeding for the
5 enforcement of any civil fine or penalty under the Act is five years from the date when the claim
6 first accrued.⁸ The Act limits how much an individual can contribute to a federal candidate and
7 the candidate's principal campaign committee.⁹ The Act and Commission regulations provide
8 that no person shall make a contribution in the name of another person or knowingly permit his
9 or her name to be used to effect such a contribution.¹⁰ Candidates, their committees, and their
10 agents are also prohibited from knowingly accepting contributions that exceed the Act's limits
11 and contributions made in the name of another.¹¹ Candidate committees are required to file
12 reports of receipts and disbursements in accordance with the Act and Commission regulations.¹²

⁷ Ibrahim Al-Rashid Resp. at 3; Joint Murphy Resp. at 2.

⁸ See 28 U.S.C. § 2462.

⁹ 52 U.S.C. § 30116(a). During the 2010 and 2012 election cycles, an individual could contribute a maximum of \$2,400 and \$2,500, respectively, to a candidate per election. Ibrahim Al-Rashid contributed the \$4,800 maximum to the Crist Committee for the primary and general elections during the 2010 election cycle and the \$5,000 maximum to the Murphy Committee for the elections during the 2012 cycle. See Charlie Crist for U.S. Senate, 2010 April Quarterly Report at 7; Friends of Patrick Murphy, 2011 April Quarterly Report at 7-8.

¹⁰ 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii). In addition, "no person shall . . . knowingly help or assist any person in making a contribution in the name of another." 11 C.F.R. § 110.4(b)(1)(iii).

¹¹ See 52 U.S.C. §§ 30116(f) and 30122; 11 C.F.R. § 110.4(b)(1)(iv).

¹² See 52 U.S.C. § 30104(a)(2); 11 C.F.R. § 104.14(d) (each treasurer of a political committee shall be responsible for the timely, complete and accurate filing of disclosure reports). See also 52 U.S.C. § 30104(b)(3)(A) (each committee treasurer shall keep an account of the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution).

1 As discussed in the Responses, the SOL has run on all of the activity at issue.¹³
2 Moreover, the available record does not support an inference that Ibrahim Al-Rashid made the
3 subject contributions in the names of the alleged conduits. The Complaint asserts that eleven
4 individuals and two federal candidates and their committees participated with Ibrahim Al-Rashid
5 in a "straw donor" scheme based on the relationship between Ibrahim Al-Rashid, Murphy, and
6 the contributors as well as the timing of the subject contributions, but it does not provide any
7 information that the subject contributions were not made with the personal funds of the named
8 contributors. Respondents' denials that they violated the Act, while not sworn, are sufficient
9 under the circumstances here to rebut the allegations presented in the Complaint.¹⁴

10 Accordingly, we recommend that the Commission find no reason to believe that Patrick
11 Murphy violated 52 U.S.C. § 30122; that the Murphy Committee violated 52 U.S.C. §§ 30116(f)
12 or 30122; that Charlie Crist violated 52 U.S.C. § 30122; that the Crist Committee 52 U.S.C.
13 §§ 30116(f) or 30122; that Ibrahim Al-Rashid violated 52 U.S.C. §§ 30116(a) or 30122; or that
14 the other individual Respondents violated 52 U.S.C. § 30122. We further recommend that the
15 Commission close the file.

¹³ Ibrahim Al-Rashid Resp. at 3; Joint Murphy Resp. at 1; Crist Committee Resp. at 1. At the time of the Complaint, June 22, 2016, the SOL had already expired on \$64,700 of the \$68,950 alleged in violation. The SOL expired on the most recent activity on November 14, 2016. Although the doctrine of equitable tolling for fraudulent concealment has been raised in cases of contributions made in the name of another where the activity is beyond the SOL, in view of the lack of information in the record in this matter warranting a reason to believe finding, we do not analyze the issue further. See *United States v. Williams*, 104 F.3d 237 (9th Cir. 1996), *cert. denied*, 552 U.S. 1015 (1997).

¹⁴ The Complaint also alleges that Patrick Murphy, who served as the treasurer of his committee between March 4, 2011, and July 18, 2012, falsely reported the occupation and employer of contributor Millerlandy Badillo, who gave \$300 to the Murphy Committee in 2011. Compl. at 3-5. See Friends of Patrick Murphy Statement of Organization (Mar. 4, 2011); Amended Statements of Organization (Feb. 13, 2012; July 18, 2012). The Complaint asserts, based on a 2012 police report regarding a burglary at Ibrahim Al-Rashid's home, that Murphy must have known that Badillo was Ibrahim Al-Rashid's housekeeper and not an employee of Limestone Property Management in Austin, Texas, as disclosed by Murphy in his capacity as treasurer. Compl. at 3-4, Ex. A. In view of the small size of Badillo's contribution, we recommend that the Commission dismiss the allegation that Murphy falsely disclosed her occupation and employer.

III. RECOMMENDATIONS

1. Find no reason to believe that Patrick Murphy violated 52 U.S.C. § 30122;
2. Dismiss the allegation that Patrick Murphy falsely reported the occupation and employer of a contributor;
3. Find no reason to believe that Friends of Patrick Murphy and Brian Foucart in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f) or 30122;
4. Find no reason to believe that Charlie Crist violated 52 U.S.C. § 30122;
5. Find no reason to believe that Charlie Crist for U.S. Senate and Frederick Carroll in his official capacity as treasurer violated 52 U.S.C. §§ 30116(f) or 30122;
6. Find no reason to believe that Ibrahim Al-Rashid violated 52 U.S.C. §§ 30116(a) or 30122;
7. Find no reason to believe that Ramzi Al-Rashid, Morgan Budman, Steven Budman, Ellen Budman, Evan Orchinik, Aileen Orchinik, Gene Earley, Barbara Earley, Bruce Butler, Bonnie Butler, or Millerlandy Badillo violated 52 U.S.C. § 30122;
8. Approve the attached Factual and Legal Analysis;
9. Approve the appropriate letters; and
10. Close the file.

Lisa J. Stevenson
Acting General Counsel

Kathleen Guith
Associate General Counsel

2.14.17

Date


Stephen Gura
Deputy Associate General Counsel for Enforcement



Mark Allen
Assistant General Counsel

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